

Exhibit A

TEN DAYS NOTICE TO CURE

TO: DAVID GORDON
444 East 82nd Street, Apartment 34B
New York, NY 10028

SUBJECT PREMISES: 444 East 82nd Street, Apartment 34B, New York, NY 10028

PLEASE TAKE NOTICE pursuant to Section 2524.3(a) of the Rent Stabilization Code of the City of New York that you are in violation of a substantial obligation of your tenancy in the above subject premises in violation of paragraph 15 of your lease agreement dated December 8, 1976, that in: you have refused the undersigned landlord access, made upon advance notice and during a reasonable hour, in order to make necessary repairs in the subject premises.

PLEASE TAKE FURTHER NOTICE pursuant to Section 2524.3(e) of the Rent Stabilization Code of the City of New York you have unreasonably refused the owner access to the housing accommodation for the purpose of making necessary repairs or improvements required by law.

PLEASE TAKE FURTHER NOTICE the facts supporting the above allegations include but are not limited to:

1. On, but not limited to May 8, 2007, May 9, 2007, May 14, 2007, May 24, 2007, and May 29, 2007, you refused the undersigned landlord, made upon advance notice and during a reasonable hour in order to inspect the subject premises and replace and/or repair the windows in the subject premises as necessary.

PLEASE TAKE FURTHER NOTICE that should you fail to cure the aforementioned violations of your tenancy on or before July 6, 2007 which date is at least ten (10) days from the date hereof, the undersigned landlord shall thereafter terminate your tenancy and commence summary proceedings under the statute for your removal from the premises.

Dated: Williston Park, New York

June 18, 2007

CLERMONT YORK ASSOCIATES, LLC, LANDLORD

BY: _____

Jeffrey J. Feil, member

Any inquiries regarding this Notice should be addressed in writing to Horing Welikson & Rosen, P.C., 11 Hillside Avenue, Williston Park, New York 11596.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

Jonathan Keeling, being duly sworn deposes and says:

That on the 18 day of June, 2007, I mailed a true copy of the within Notice to Cure by mailing same in a sealed envelope with postage thereon, in a post office or official depository of the U.S. Postal Service within the State of New York as listed below:

(X) by regular mail

(X) by certified mail

David Gordon
444 East 82nd Street, Apt. 34B
New York, NY 10028



Jonathan Keeling

Sworn to before me this the
18 day of June, 2007



NOTARY PUBLIC

MISTY WYATT
NOTARY PUBLIC, STATE OF NY
QUALIFIED IN WESTCHESTER COUNTY
NO. 02WY6129695
MY COMMISSION EXPIRES 11/15/08

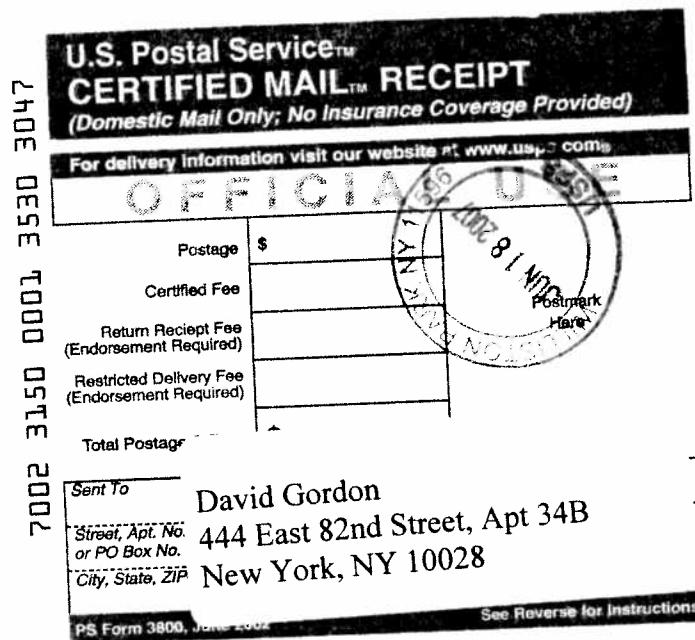


Exhibit B

TEN DAYS NOTICE OF TERMINATION

TO: DAVID GORDON
444 East 82nd Street, Apartment 34B
New York, NY 10028

SUBJECT PREMISES: 444 East 82nd Street, Apartment 34B, New York, NY 10028

YOU ARE HEREBY NOTIFIED AND ADVISED that the landlord does hereby elect to terminate your tenancy of the above described premises now held by you under leasehold hiring. Unless you remove from the premises by July 24, 2007, the day on which your term expires, the landlord will commence summary proceedings under the Statute to remove you from the premises for Holding Over after the expiration of your term.

PLEASE TAKE FURTHER NOTICE that termination is based upon the fact that you have failed to comply with a Notice to Cure dated June 18, 2007 which was served upon you by mail on that date. (A copy of said Notice to Cure is annexed hereto).

Dated: Williston Park, New York

July 9, 2007

CLERMONT YORK ASSOCIATES, LLC, LANDLORD

BY: _____

Jeffrey J. Feil, member

Any inquiries regarding this Notice should be addressed in writing to Horing Welikson & Rosen, P.C. at 11 Hillside Avenue, Williston Park, NY 11596.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

Jonathan Keeling, being duly sworn deposes and says:

That on the 9 day of July, 2007, I mailed a true copy of the within Notice to Terminate by mailing same in a sealed envelope with postage thereon, in a post office or official depository of the U.S. Postal Service within the State of New York as listed below:

(X) by regular mail

(X) by certified mail

David Gordon
444 East 82nd Street, Apt. 34B
New York, NY 10028

Sworn to before me this the
9 day of July, 2007



Jonathan Keeling

Misty Wyatt
NOTARY PUBLIC

MISTY WYATT
NOTARY PUBLIC, STATE OF NY
QUALIFIED IN WESTCHESTER COUNTY
NO: 02WY6129695
MY COMMISSION EXPIRES 11/18/09

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART

X

CLERMONT YORK ASSOCIATES, LLC

Petitioner-Landlord,

-against-

DAVID GORDON

444 East 82nd Street, Apartment 34B

New York, New York 10028

Respondents-Tenants.

Index No. 080781 /07

NOTICE OF PETITIONHOLDOVER

"JOHN DOE" and "JANE DOE"

Respondents-Undertenants

X

To the respondents above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE, that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of New York, located at 111 Centre Street, New York, NY Housing Part H, Room 1164B, on August 13th, 2007 at 2:00 PM o'clock on that day, on the annexed petition of Clermont York Associates, LLC verified on July 25, 2007 which prays for a final judgment of eviction awarding to the petitioner the possession of the premises described as follows: all rooms in apartment 34B in the premises known as 444 East 82nd Street, New York, NY County of New York, in the City of New York, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for a final judgment against you awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; attorney's fees; and cost and disbursements herein.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner unless such defense or counterclaim is precluded by law or prior agreement between the parties.

TAKE NOTICE that your answer may be made at the time of the hearing specified above unless this notice of petition is served upon you on or before eight (8), days prior to the return date in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the Clerk of the Court at his office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner, and by filing the original of such written answer with proof of service thereof in the office of the Clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the Court at the time and place hereinabove set forth for the hearing.

TAKE NOTICE also that if you fail to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE also that under section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

TAKE NOTICE In the event of your failure to answer and appear, final judgment by default may be entered against you for the relief demanded in the petition.

East Williston, New York

Dated: July 25, 2007

Horing, Welikson & Rosen P.C.

Attorneys for Petitioner
11 Hillside Avenue
Williston Park, New York 11596
(516) 535-1700

Jack Baer
Clerk of the Civil
Court of the City
of New York

X

CLERMONT YORK ASSOCIATES,LLC

Petitioner-Landlord,

-against-

DAVID GORDON

444 East 82nd Street, Apartment 34B
New York, New York 10028

Respondent-Tenant.

"JOHN DOE" and "JANE DOE"

Respondents-Undertenants

Index No. /07
PETITION HOLDOVER

X

The petition of Clermont York Associates LLC, alleges the following statements are true upon information and belief:

1. Petitioner Clermont York Associates,LLC is the owner and landlord of the premises located at 444 East 82nd Street, Apt. 34B, New York, New York 10028.

2. Respondent David Gordon is the tenant of the premises, who entered into possession under a written rental agreement, made on or about December 8, 1976, between respondent and landlord(landlord's predecessor), for a term starting January 1, 1977, ending December 31, 1978, and continued thereafter with the most recent renewal expiring on December 31, 2007. Respondents "John Doe" and "Jane Doe" are the undertenants of the aforementioned respondent tenant.

3. Premises are described as all rooms in apartment 34B in the premises known as 444 East 82nd Street, New York, NY 10028 which is within the jurisdiction of the Civil Court of the City of New York, County of New York.

4. The term for which said premises were rented by the Respondent tenant expired on July 24, 2007. Termination is based upon the grounds enumerated in the Notice of Termination which with proof of service is annexed hereto, made a part hereof and specifically incorporated herein by reference.

5. The Respondents continue in possession of the premises without permission of the landlord, or of the petitioner, after the expiration of said term.

6. The apartment is subject to Rent Stabilization Law, as amended and pursuant to said law, the owner has duly registered this unit with the New York State Division of Housing and Community Renewal (D.H.C.R.) and the past due rent/use and occupancy, if any sought herein, does not exceed the legal rental for the premises as registered.

7. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is currently an effective registration statement on file with the Office of Code Enforcement in which the owner has designated the managing agent named below, a natural person over twenty one (21) years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

Multiple Dwelling Registration Number: 138867

Registered Managing Agent's Name: Abe J. Rill

Business Address: 7 Penn Plaza, Suite 618, New York, New York 10001

8. Except for the apartment being sought in this proceeding, petitioner lacks written information or notice of any address where the respondent-tenant resides is employed has a place of business has its principal office place of business in New York State.

9. Petitioner requests a final judgment: awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; attorney's fees; costs and disbursements herein.

Dated: July 25,2007

VERIFICATION

State of New York County of Nassau) ss:

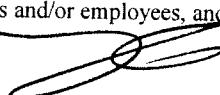
NILES C. WELIKSON, being the attorney for the petitioner herein, hereby affirms under the penalties of perjury and pursuant to CPLR § 2106 that he has read the foregoing petition and knows the contents thereof, and that upon information and belief, the same are true. The sources of your affiant's information and belief are oral statements, books and records furnished by the petitioner, its agents and/or employees, and material contained in the office files. This affirmation is made pursuant to RPAPL § 741.

Dated: Nassau, New York

July 25,2007

Horing Welikson & Rosen, P.C.
Attorney for Petitioners
11 Hillside Avenue
Williston Park, New York 11596
(516) 535-1700

CLAREMONT YORK ASSOCIATES, LLC
Petitioner



NILES C. WELIKSON

exhibit 1 + C

Exhibit D

TO: NILES WELIKSON
BORING, WELIKSON & ROSEN
11 HILLSIDE AVENUE
WILLISTON PARK, N.Y. 11596
BY EXPRESS MAIL, RETURN RECEIPT
NO. ED117585922US

CLERMONT YORK ASSOCIATES
and THE FEIL ORGANIZATION
SUITE 618, 7 PENN PLAZA
NEW YORK, N.Y. 10001
BY CERTIFIED MAIL, RETURN RECEIPT
NO. 70063450000055128334

HOUSING COURT CLERK, OFFICE OF THE CLERK, CIVIL COURT OF THE CITY OF NEW YORK,
111 CENTRE STREET, NEW YORK, N.Y. 10003, BY HAND AND EXPRESS MAIL, RETURN
RECEIPT NO. ED1175859275US

NOTICE OF REMOVAL

PLEASE TAKE NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK (FOLEY SQUARE), 500 PEARL STREET, NEW YORK, NEW YORK, PURSUANT TO 28 U.S.C. § 1331, 28 U.S.C.A. § 1446 AND FEDERAL QUESTION GROUNDS SET FORTH ON THE ATTACHED FIRST PAGE COPY OF THE RELATED FEDERAL DISTRICT (FOLEY SQUARE) COMPLAINT IN GORDON et al v. PALUMBO et al, 07 CIV 6624, FILED JULY 23, 2007, of the following July 25, 2007-dated New York civil action captioned:

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART

X

CLERMONT YORK ASSOCIATES, LLC
Petitioner-Landlord,

-against-

DAVID GORDON
444 East 82nd Street, Apartment 34B
New York, New York 10028

Respondents-Tenants.

Index No. 080781/07
NOTICE OF PETITION
HOLDOVER

"JOHN DOE" and "JANE DOE"
Respondents-Undertenants

X

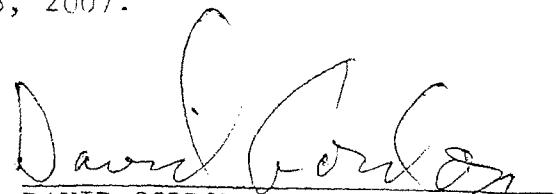
the attached Notice copy for which indicates a Civil Court of The City of New York Index No. 080781/07, and Housing Part H, Room 1164B, August 13, 2007, 2 PM hearing date.

The action removed is directly related to the pending 07 CV 6624 action; appears to be in response, frivolous, bad faith, intended to harass and created to interfere with and thwart 07 CV 6624 and should be referred directly to the Federal Judge handling 07 CV 6624. For consideration, voiding, and sanctions pursuant to Federal Rule 11.

A copy of the initial and only pleading received to date, the Notice of Petition and Petition (signed by Federal Defendant Niles Welikson) is attached hereto, with a copy of the first page of the above-referenced 07 CV 6624 action Complaint filed July 23, 2007.

DATED: NEW YORK, NEW YORK
August 8, 2007

Attachments: as indicated above.


DAVID GORDON
(34B) 444 East 82nd Street
New York, N.Y. 10028
212 628-6051

To: Office of The Clerk
United States District Court
Southern District of New York
500 Pearl Street
New York, New York

JUDGE CASTEL

07 CV 6624

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

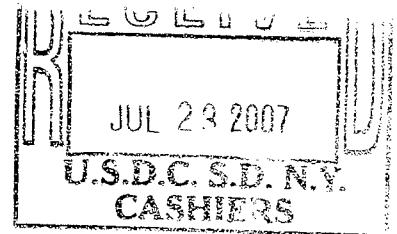
DAVID GORDON and JACQUELINE SWISKEY,

Plaintiffs,

: PLAINTIFFS DEMAND TRIAL BY JURY

vs.

BRIAN PALUMBO, NILES WELIKSON,
 HORING, WELIKSON & ROSEN, P.C., CAROLE A.
 FEIL, JEFFREY FEIL, CAROLE A. FEIL and
 JEFFREY FEIL as Executors of the Estate of LOUIS FEIL,
 ANDREW RATTNER, VIVIAN TULIATOS, ABE RILL,
 JOSE ANTONIO (a/k/a TONY) RUIZ, CARLOS
 GUEVARA, CARL LIEBERMAN, NANCY LIEBERMAN,
 BRETT LIEBERMAN, JAY ANDERSON and JAY
 ANDERSON as Trustee of THE FEIL FOUNDATION and
 ALAN ROSENBLOOM.



Defendants.

: VERIFIED COMPLAINT

Plaintiffs complain of the Defendants as follows:

This action arises under The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq; The Fair Housing Act, 42 U.S.C. § 3601 et seq; and the Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.

NATURE OF THE ACTION

This is an action by two New York, New York citizens, both elderly, one a disabled Vietnam War Veteran, in response to an ongoing, increasingly malicious, unlawful torture campaign by the individual owners, executives and employees (and other persons associated with them) of a huge, New York, New York based, family owned, private real estate ownership and operation enterprise, intentionally, maliciously perpetrated to, *inter alia*, make the perpetrators

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART-----X
CLERMONT YORK ASSOCIATES, LLC

Petitioner-Landlord,

-against-

DAVID GORDON

444 East 82nd Street, Apartment 34B

New York, New York 10028

Respondents-Tenants.

Index No. 080781 /07

NOTICE OF PETITION
HOLDOVER

"JOHN DOE" and "JANE DOE"

Respondents-Undertenants

-----X

To the respondents above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE, that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of New York, located at 111 Centre Street, New York, NY Housing Part H, Room 1164B, on August 13, 2007 at 2:00PM o'clock on that day, on the annexed petition of Clermont York Associates, LLC verified on July 25, 2007 which prays for a final judgment of eviction awarding to the petitioner the possession of the premises described as follows: all rooms in apartment 34B in the premises known as 444 East 82nd Street, New York, NY County of New York, in the City of New York, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for a final judgment against you awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; attorney's fees; and cost and disbursements herein.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner unless such defense or counterclaim is precluded by law or prior agreement between the parties.

TAKE NOTICE that your answer may be made at the time of the hearing specified above unless this notice of petition is served upon you on or before eight (8), days prior to the return date in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the Clerk of the Court at his office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner, and by filing the original of such written answer with proof of service thereof in the office of the Clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the Court at the time and place hereinabove set forth for the hearing.

TAKE NOTICE also that if you fail to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE also that under section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

TAKE NOTICE In the event of your failure to answer and appear, final judgment by default may be entered against you for the relief demanded in the petition.

East Williston, New York

Dated: July 25, 2007

Horing, Welikson & Rosen P.C.

Attorneys for Petitioner

11 Hillside Avenue

Williston Park, New York 11596

(516) 535-1700

Jack Baer
Clerk of the Civil
Court of the City
of New York

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART

-----X
CLERMONT YORK ASSOCIATES,LLC

Petitioner-Landlord,

-against-

DAVID GORDON
444 East 82nd Street, Apartment 34B
New York, New York 10028

Respondent-Tenant.

"JOHN DOE" and "JANE DOE"

Respondents-Undertenants

-----X

Index No. /07
PETITION HOLDOVER

The petition of Clermont York Associates LLC, alleges the following statements are true upon information and belief:

1. Petitioner Clermont York Associates,LLC is the owner and landlord of the premises located at 444 East 82nd Street, Apt. 34B, New York 10028.

2. Respondent David Gordon is the tenant of the premises, who entered into possession under a written rental agreement, made on or about December 8, 1976, between respondent and landlord(landlord's predecessor), for a term starting January 1, 1977, ending December 31, 1978, and continued thereafter with the most recent renewal expiring on December 31, 2007. Respondents "John Doe" and "Jane Doe" are the undertenants of the aforementioned respondent tenant.

3. Premises are described as all rooms in apartment 34B in the premises known as 444 East 82nd Street, New York, NY 10028 which is within the jurisdiction of the Civil Court of the City of New York, County of New York.

4. The term for which said premises were rented by the Respondent tenant expired on July 24, 2007. Termination is based upon the grounds enumerated in the Notice of Termination which with proof of service is annexed hereto, made a part hereof and specifically incorporated herein by reference.

5. The Respondents continue in possession of the premises without permission of the landlord, or of the petitioner, after the expiration of said term.

6. The apartment is subject to Rent Stabilization Law, as amended and pursuant to said law, the owner has duly registered this unit with the New York State Division of Housing and Community Renewal (D.H.C.R.) and the past due rent/use and occupancy, if any sought herein, does not exceed the legal rental for the premises as registered.

7. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is currently an effective registration statement on file with the Office of Code Enforcement in which the owner has designated the managing agent named below, a natural person over twenty one (21) years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

Multiple Dwelling Registration Number: 138867

Registered Managing Agent's Name: Abe J. Rill

Business Address: 7 Penn Plaza, Suite 618, New York, New York 10001

8. Except for the apartment being sought in this proceeding, petitioner lacks written information or notice of any address where the respondent-tenant resides is employed has a place of business has its principal office place of business in New York State.

9. Petitioner requests a final judgment: awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; attorney's fees; costs and disbursements herein.

Dated: July 25,2007

VERIFICATION

State of New York County of Nassau) ss:

NILES C. WELIKSON, being the attorney for the petitioner herein, hereby affirms under the penalties of perjury and pursuant to CPLR § 2106 that he has read the foregoing petition and knows the contents thereof, and that upon information and belief, the same are true. The sources of your affiant's information and belief are oral statements, books and records furnished by the petitioner, its agents and/or employees, and material contained in the office files. This affirmation is made pursuant to RPAPL § 741.

Dated: Nassau, New York

July 25,2007

Horing Welikson & Rosen, P.C.

Attorney for Petitioners

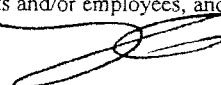
11 Hillside Avenue

Williston Park, New York 11596

(516) 535-1700

CLAREMONT YORK ASSOCIATES, LLC

Petitioner



NILES C. WELIKSON

R Processor
89-3121 Street
Richmond Hill
Queens NY 11418

David Gordon
1114 East 82 Street
N.Y. N.Y. 10028
Apt # 34B

卷之三

Exhibit E

07 CV 7331

CLERMONT YORK ASSOCIATES/
SCHELE, WILKINSON & ROSEN
11 KILLSIDE AVENUE
WILLISTON PARK, N.Y. 11596
BY EXPRESS MAIL, RETURN RECEIPT
NO. ED117585953US.

CLERMONT YORK ASSOCIATES/
THE PENT ORGANIZATION
SUITE 618, 7 PENN PLAZA
NEW YORK, N.Y. 10001
BY CERTIFIED MAIL, RETURN RECEIPT
NO. 70063450000055128341.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BUSINESS COURT CLERK, OFFICE OF THE CLERK, CIVIL COURT OF THE CITY OF NEW YORK
111 CENTRAL STREET, NEW YORK, N.Y. 10001, BY HAND AND EXPRESS MAIL, RETURN
RECEIPT NO. EB049841275US.

CLERMONT YORK ASSOCIATES, LLC
Petitioner-Landlord,

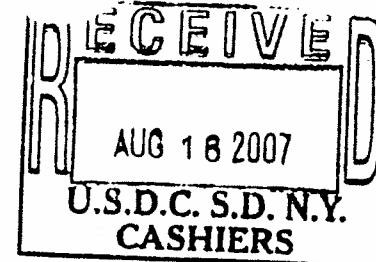
-against-

DAVID GORDON
444 East 82nd Street, Apartment 34B
New York, New York 10028
Respondents-Tenants

"JOHN DOE" and "JANE DOE"
Respondents-Undertenants

NOTICE OF REMOVAL

*Stock
(H)*



PLEASE TAKE NOTICE Of Removal To United States District Court For The
Southern District Of New York (Foley Square), 500 Pearl Street, New

York, New York, Pursuant To 28 U.S.C. § 1331, 28 U.S.C.A. § 1446 And
Federal Question Grounds arising under The Racketeer Influenced and
Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq; The Fair
Housing Act, 42 U.S.C. § 3601 et seq; and the Americans With Disabilities
Act, 42 U.S.C. § 12101 et seq, as well as Constitutional rights to Due
Process and Equal Protection arising under the Fifth and Fourteenth
Amendments to the Constitution of the United States of the July 25,
2007-dated New York civil action from Civil Court of The City of New
York, County of New York: Housing Part, the above-captioned action;
the attached Notice copy for which indicates a Civil Court of The
City of New York Index No. 080381/07, and Housing Part H, Room 1164B.

Today being August 15, 2007 the Notice Of Removal is timely. A copy of
the initial and only pleading received to date, the Notice of Petition
and Petition is attached hereto; posted August 1, received August 7, 2007.

The action removed is directly related to David Gordon, et al v. Brian Palumbo, et al, 07 CV 6624 (PKC)(DCF), filed July 23, 2007 and
presently pending in this Federal Court; it appears to be in response
frivolous, bad faith, intended to harass and created to interfere with
and thwart 07 CV 6624 and should be referred directly to the Federal
Judge handling 07 CV 6624. For consideration, voiding, and sanctions
pursuant to Federal Rule 11.

DATED: NEW YORK, NEW YORK
August 15, 2007

Attachments: as indicated above.

David Gordon

DAVID GORDON.

(34B) 444 East 82nd Street
New York, N.Y. 10028
212 628-6051

To: Office Of The Clerk
United States District Court
Southern District of New York
500 Pearl Street
New York, New York

NEW YORK
CIVIL DISTRICT COURT
LAW

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART

CLERMONT YORK ASSOCIATES, LLC
Petitioner-Landlord,

-against-
DAVID GORDON
444 East 82nd Street, Apartment 34B
New York, New York 10028
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"JOHN DOE" and "JANE DOE"
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TAKE NOTICE that your answer may be made at the time of the hearing specified above unless this notice of petition is served upon you on or before eight (8), days prior to the return date in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the Clerk of the Court at his office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner, and by filing the original of such written answer with proof of service thereof in the office of the Clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the Court at the time and place hereinabove set forth for the hearing.

TAKE NOTICE also that if you fail to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE also that under section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

TAKE NOTICE In the event of your failure to answer and appear, final judgment by default may be entered against you for the relief demanded in the petition.

East Williston, New York
Dated: July 25, 2007
Horing, Welikson & Rosen P.C.

Attorneys for Petitioner
11 Hillside Avenue
Williston Park, New York 11596
(516) 535-1700

Jack Baer
Clerk of the Civil
Court of the City
of New York

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART

X

CLERMONT YORK ASSOCIATES,LLC

Petitioner-Landlord,

-against-

DAVID GORDON

444 East 82nd Street, Apartment 34B

New York, New York 10028

Respondent-Tenant.

"JOHN DOE" and "JANE DOE"

Respondents-Undertenants

X

Index No. /07
PETITION HOLDOVER

The petition of Clermont York Associates LLC, alleges the following statements are true upon information and belief:

1. Petitioner Clermont York Associates,LLC is the owner and landlord of the premises located at 444 East 82nd Street, Apt. 34B, New York, New York 10028.

2. Respondent David Gordon is the tenant of the premises, who entered into possession under a written rental agreement, made on or about December 8, 1976, between respondent and landlord(landlord's predecessor), for a term starting January 1, 1977, ending December 31, 1978, and continued thereafter with the most recent renewal expiring on December 31, 2007. Respondents "John Doe" and "Jane Doe" are the undertenants of the aforementioned respondent tenant.

3. Premises are described as all rooms in apartment 34B in the premises known as 444 East 82nd Street, New York, NY 10028 which is within the jurisdiction of the Civil Court of the City of New York, County of New York.

4. The term for which said premises were rented by the Respondent tenant expired on July 24, 2007. Termination is based upon the grounds enumerated in the Notice of Termination which with proof of service is annexed hereto, made a part hereof and specifically incorporated herein by reference.

5. The Respondents continue in possession of the premises without permission of the landlord, or of the petitioner, after the expiration of said term.

6. The apartment is subject to Rent Stabilization Law, as amended and pursuant to said law, the owner has duly registered this unit with the New York State Division of Housing and Community Renewal (D.H.C.R.) and the past due rent/use and occupancy, if any sought herein, does not exceed the legal rental for the premises as registered.

7. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is currently an effective registration statement on file with the Office of Code Enforcement in which the owner has designated the managing agent named below, a natural person over twenty one (21) years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

Multiple Dwelling Registration Number: 138867

Registered Managing Agent's Name: Abe J. Rill

Business Address: 7 Penn Plaza, Suite 618, New York, New York 10001

8. Except for the apartment being sought in this proceeding, petitioner lacks written information or notice of any address where the respondent-tenant resides is employed has a place of business has its principal office place of business in New York State.

9. Petitioner requests a final judgment: awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; attorney's fees; costs and disbursements herein.

Dated: July 25,2007

VERIFICATION

State of New York County of Nassau) ss:

CLAREMONT YORK ASSOCIATES, LLC

Petitioner

NILES C. WELIKSON, being the attorney for the petitioner herein, hereby affirms under the penalties of perjury and pursuant to CPLR § 2106 that he has read the foregoing petition and knows the contents thereof, and that upon information and belief, the same are true. The sources of your affiant's information and belief are oral statements, books and records furnished by the petitioner, its agents and/or employees, and material contained in the office files. This affirmation is made pursuant to RPAPL § 741.

Dated: Nassau, New York

July 25,2007

Horing Welikson & Rosen, P.C.

Attorney for Petitioners

11 Hillside Avenue

Williston Park, New York 11596

516) 535-1700



NILES C. WELIKSON

R. PROCESSION
89-3121 Street
Richardson Hill
Queens NY 11418

David Gordon
444 East 82 Street
N.Y. N.Y. 10028
Appt # 34B

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